

Regular Session, 2010

HOUSE BILL NO. 558

BY REPRESENTATIVE ROSALIND JONES

CIVIL/ACTIONS: Provides for the surname of a minor

1 AN ACT

2 To amend and reenact R.S. 40:34(B)(1)(a)(iv) and to enact R.S. 13:4751(E), relative to the  
3 surname of a minor; to provide for the vital records form; to provide for the contents  
4 of a birth certificate; to provide for the surname of a minor born outside of marriage;  
5 to provide for the filing of a petition for name change; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:34(B)(1)(a)(iv) is hereby amended and reenacted to read as  
9 follows:

10 §34. Vital records forms

11 \* \* \*

12 B. The forms shall be printed and supplied or provided by electronic means  
13 by the state registrar and the required contents are:

14 (1) Contents of birth certificate. The certificate of birth shall contain, as a  
15 minimum, the following items:

16 (a) Full name of child.

17 \* \* \*

18 (iv) If the child is born outside of marriage, the surname of the child shall be  
19 the mother's maiden name, if the father is unknown. If the father is known, has  
20 acknowledged the child, and has agreed to a plan of support, the surname of the child

1 shall be that of the father unless the mother and father agree otherwise. If the father  
2 is known, but has not acknowledged the child and has not agreed to a plan of  
3 support, if the mother agrees, the surname of the child shall be that of the father. If  
4 the father is known and if both the mother and the father agree, the surname of the  
5 child may be that of the father or a combination of the surname of the father and the  
6 maiden name of the mother. For purposes of this Item, "father" means a father who  
7 has acknowledged his child or who has been judicially declared the father in a  
8 filiation or paternity proceeding.

9 \* \* \*

10           Section 2. R.S. 13:4751(E) is hereby enacted to read as follows:

11           §4751. Petition for name change; adults; minors

12 \* \* \*

13 E. A biological father who has acknowledged a child and provided support  
14 for at least the past twelve months may petition for a change of the surname of the  
15 child in accordance with Subsection B of this Section.

# DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Rosalind Jones

HB No. 558

**Abstract:** Provides for the surname of minors.

Present law provides that if a child is born outside of marriage, his surname shall be the mother's maiden name.

Proposed law provides that if a child is born outside of marriage, his surname shall be the mother's maiden name if the father is unknown.

Present law also provides that if the father is known and both he and the mother agree, the surname of the child may be the father's or a combination of the surname of the father and the maiden name of the mother.

Proposed law retains present law and provides that if the father is known and he has acknowledged the child and agreed to a plan of support, the surname of the child shall be the father's unless the mother and father agree otherwise.

Proposed law further provides that if the father is known and has not acknowledged the child or agreed to support, the surname of the child shall be that of the father, if the mother agrees.

Present law provides that adults and minors may petition for a name change in certain circumstances.

Proposed law retains present law and additionally authorizes a biological father to petition for a change of the surname of a child he has acknowledged and supported for at least the past 12 months.

(Amends R.S. 40:34(B)(1)(a)(iv); Adds R.S. 13:4751(E))